



András Péter Szabó

Betrothal and Wedding, Church Wedding and Nuptials: Reflections on the System of Marriages in Sixteenth- and Seventeenth-Century Hungary

The aim of the present study is to sketch briefly the relationship between the ecclesiastical and secular elements of the marriage customs in the sixteenth- and seventeenth-century Kingdom of Hungary and Principality of Transylvania with the help of the sixteenth-century nuptial invitations preserved in the town archives of Beszterce (German: Bistritz; today Bistrița, Romania), the specialist literature and ethnographic analogies. The common Hungarian and Latin designation for the betrothal and the church marriage (*kézfogás/ desponsatio*) indicates that the two concepts had not separated completely. The terminological uncertainty can be explained by the slow implementation of canonical requirements: in practice the betrothal, adopted in the twelfth century, originating in Roman law, only gradually earned its place. The Reformation gave further impetus to doctrines proclaiming the binding force of betrothal, perhaps also connected with this is the fact that a binding form of betrothal also existed alongside that corresponding to today's version for a very long time in both Transylvania and Hungary. Betrothal accompanied by church ceremony in this case was followed as a second phase by a purely secular wedding feast. Only after the wedding subsequently became permanently embedded in the wedding feast did the church ceremony become the central element in the series of events.

Keywords: marriage rites, church law, ethnography of nuptials, wedding invitations

The Starting Point for Research

The examination of marriage in the medieval and early modern eras has been one of the most preferred topics of European and American social history in recent decades. Research into legal history has extended attention not only to the family as an institution but also to the legal regulation of marriages.¹ Among the

1 A set of important books: Jack Goody, *The Development of the Family and Marriage in Europe* (Cambridge: Cambridge University Press, 1983); Steven E. Ozment, *When Fathers Ruled: Family Life in Reformation Europe* (Cambridge, MA: Harvard University Press, 1983); John R. Gillis, *For Better, for Worse: British Marriages, 1600 to the Present* (New York: Oxford University Press, 1985); Christiane Klapisch-Zuber, *Woman, Family and Ritual in Renaissance Italy* (Chicago: The University of Chicago Press, 1987); and Joel Francis Harrington,

sources of both trends the protocols and documents of the various ecclesiastical courts, which are truly the best and most eloquent sources for the practice of concluding marriages and domestic cohabitation, have occupied a prominent place despite the fact they first and foremost attest to deviations from the norm.² With a certain lapse of time, indirect evidence has also been included, and thus have, for example, literary texts come under the magnifying glass as well.³ In the present study our guiding thread will be a set of sources that until now has mostly escaped the attention of research: the formal letters of invitation to the great weddings of the early modern era.⁴

A source publication I collaborated on, which appeared in 2005, forms the starting point for the examination. In it were published the sixteenth-century nuptial invitations sent to Beszterce (today: Bistrița, Romania), more specifically those invitations that the German-populated town received from the Hungarian nobles of the surrounding territories and preserved in its exceptionally rich archives.⁵ The 123 invitation letters and the 111 nuptials included in them are a quantity that cannot be statistically evaluated, and in terms of quantity do not even approach the documentary material of the activity of any medieval English ecclesiastical court; yet on the eastern frontiers of Western Christianity, where

Reordering Marriage and Society in Reformation Germany (New York: Cambridge University Press, 1995). Regarding the marriage law, see Hartwig Dieterich, *Das protestantische Eherecht in Deutschland bis zur Mitte des 17. Jahrhunderts* (Munich: Claudius Verlag, 1970); John Witte, Jr., *Law and Protestantism: The Legal Teachings of the Lutheran Reformation* (Cambridge: Cambridge University Press, 2004), 199–256; and Philipp L. Reynolds, “Marrying and Its Documentation in Pre-Modern Europe: Consent, Celebration and Property,” in *To Have and to Hold: Marrying and Its Documentation in Western Christendom 400–1600*, ed. Philipp L. Reynolds and John Witte, Jr. (New York: Cambridge University Press, 2007), 1–42.

2 The probably best-known book based on records of medieval ecclesiastical courts is Charles Donahue, Jr., *Law, Marriage, and Society in the Later Middle Ages: Arguments About Marriage in Five Courts* (New York: Cambridge University Press, 2007). About the Hungarian applicants of the late Middle Ages at a central church court (*Sacra Poenitentia Apostolica*) in Rome, see Gabriella Erdélyi, “‘Szerettem egyszer egy nőt’: Házasságkötés és házasságtörés 1500 körül,” *Történelmi Szemle* 49, no. 2 (2007): 165–78.

3 To cite one example: Conor McCarthy, *Marriage in Medieval England: Law, Literature and Practice* (Woodbridge: The Boydell Press, 2004).

4 About the concept of early modern “big wedding,” see Gillis, *For Better*, 55–83, and Hans Deltmer, *Die Figur des Hochzeitsbitters: Untersuchungen zum hochzeitlichen Einladungsvorgang und zu den Erscheinungsformen. Geschichte und Verbreitung einer Brauchgestalt* (Frankfurt am Main: Peter Lang, 1976), 16–42.

5 Ildikó Horn, Andrea Kreutzer, and András Péter Szabó, ed., *Politika és házasság: Menyegzőre hívogató levelek a 16. századi Erdélyből* (Budapest: ELTE BTK, 2005). For my detailed interdisciplinary analysis of the published wedding invitations in Hungarian (including, among other things, a presentation of the social background of the invitations and an analysis of marriage seasonality), see András Péter Szabó, “Menyegzőtől menyegzőig: Gondolatok a házasságkötési szokásrend magyarországi fejlődéséről,” *Századok* 144 (2010): 1027–83.

even from the early modern era the types of serial source known from Western Europe have survived only sporadically, this does represent a sizeable quantity. In our opinion, the multilingual region, which after the Reformation became confessionally variegated as well, as a unique laboratory may also assist us in gaining a better understanding of pan-European developments.

It was while preparing the abstracts of the invitations that we realized just how much the marriage practice of the sixteenth century diverged from that of the modern era. In our study, starting from the invitations of Beszterce, but extending our research to the entire sixteenth and seventeenth centuries as well as all of historical Hungary, we will attempt to chart the most important differences. At the center of our interest there are two questions of key importance: the relationship between the betrothal and the wedding ceremony, as well as that between the ecclesiastical and secular episodes of the marriage (simply put, the wedding ceremony and the wedding feast). In order to obtain a fuller picture, we have extended our research to the full range of source types based on the specialist literature and published sources. The archaism of nineteenth-century folk culture, unknown in the West European region, made it possible for us to rely also on the results of ethnography in interpreting medieval and early modern rituals.⁶

From the outset a few basic concepts must be clarified, however. By the modern practice of marriage we mean that system in which the betrothal, a legally non-binding promise relating to marriage in the future, creating a freely dissoluble betrothed relationship, represents the first step, and the legal transaction establishing the marriage, the exchange of vows in church or, beginning with the introduction of secular marriages, the civil marriage, represents the second step. Occurring on the same day as the latter is the wedding feast, with a purely social integration function, which can even be omitted altogether. The custom of the traditional folk culture differs from this in two respects: first, the betrothal is more serious and accordingly more difficult to dissolve; and second, the wedding feast as a framework completely encompasses the ecclesiastical (and later the secular) marriage ceremony (thus the celebration commences already before the “wedding”) and cannot be regarded simply as eating and drinking intended to announce the new position in society and strengthen familial ties, but possesses legal significance as well. In other words, the wedding feast is a rich storehouse

6 Important publications of Hungarian ethnography on marriage rites include: Ferenc Bakó, *Palócföldi lakodalom* (Budapest: Gondolat, 1987); and Lajos Balázs, *Az én első tisztességes napom: Párvalasztás és lakodalom Csíkszentdomokoson* (Bucharest: Kriterion, 1994).

of legal folk customs, and according to popular perception some of these make up the secular ceremony necessary for contracting the marriage.⁷ Yet in reality the church could not have considered the wedding feast to be a simple entertainment either, since it included as a crucial factor the consummation of the marriage as well, which had significance in canon law and Protestant church law. Despite its crucial significance, however, we cannot regard canon law/church law as the sole possible framework for interpreting medieval and early modern marriage.

The Nuptial Invitations

At first the invitations serving as the guiding thread for our examination were written in Latin, in both of the Christian successor states of the medieval kingdom of Hungary, in the kingdom forming part of the Habsburg Monarchy, and in the Ottoman vassal state, the Principality of Transylvania. In Transylvania it is only from the 1580s on that letters of invitation composed in Hungarian or German completely assume their role. In the Holy Roman Empire, by contrast, invitations in the vernacular were typical in the fifteenth century as well.⁸ Here it was only Humanists who favored the use of Latin. The structure of the wedding invitations, however, almost independently of the language of the letter, show a uniform image throughout the late medieval and early modern eras, allowing us to conclude that they were written according to a widely used model.

In Hungary the first Latin-language letter we know, already displaying numerous obligatory elements of the genre, is from the early fifteenth century. The Hungarian-language invitations appearing in the mid-sixteenth century are free translations of the Latin versions.

The text of the invitations, regardless of whether they were sent to a noble, a town or some other body, in almost every case is divided into the following units. **1.** Address, greeting. Generally in Latin, the corresponding Hungarian- and German-language formulae came into use only beginning in the late sixteenth century. **2.** *Arenga*, or introductory flourish, which calls attention to the fact that man must live in matrimony as ordained by God. In the more verbose formulations, it is the story of Eve's creation that crops up: "It is not good for man to be alone" (*Non est bonum homini esse solum*, Genesis 2:18). The story of the first human couple is incidentally the leading topic of Catholic and

⁷ Bakó, *Palócföldi lakodalom*, 135–36.

⁸ An early example (from 1446): Georg Steinhausen, ed., *Deutsche Privatbriefe des Mittelalters*, vol. 1, *Fürsten und Magnaten, Edle und Ritter* (Berlin: Heyfelder, 1899), 44–45, no. 58.

Protestant wedding sermons. Often only the expression “as ordained by God” (*divina ordinatione/Isten rendelése szerint/durch Gottes Ordnung und Fürsorge*) remains of the obligatory theological justification. Sometimes this is supplemented also by a comment referring to the fact that the decision has occurred “by the approval” of the relatives. **3.** Announcement of the approaching nuptials and the antecedent act contracting the marriage, with the names of the marrying parties, their fathers or, in the case of a widow bride, the previous husband. **4.** The place and date of the wedding. **5.** The actual invitation. **6.** The justification for the invitation, which is always that the presence of the addressee will elevate the splendor of the festivities. **7.** In return for the favor, the addressee’s presence, the sender of the invitation pledges his future services. **8.** The closing good wishes, date and signature customary in such missives. The various component elements of the invitation text at times slide together, winding up in the same sentence, though this does not alter the essence of the structure. From the point of view of the present study it is the third point of the invitations that will be of fundamental importance.

The Unknown Menyegző (Nuptials)

At first it perhaps seems curious to ask what kind of event is in fact specified by the early modern wedding invitations. An answer to the question is rendered exceedingly difficult by the fact that the words we currently use for marriage and the modern rituals behind them latently influence all attempts at an interpretation. Therefore, it is worth first examining the meaning of the words, and thereby we may perhaps come one step closer to the old system of marriage.

The Meaning of the Words

The Hungarian-language invitation letters of the sixteenth century generally refer to the event specified in the invitation with the word *menyegző*. The expression *menyegző* appears in the fourteenth century and is a noun formed from the medieval Hungarian verb *menyez* (*nubo*). In contrast to the Latin equivalent, it contains not the word “veil” but “bride” (*meny*). At the same time, the first printed Latin–Hungarian dictionary (1604) and the bilingual sources give the

word *menyegző* as the precise translation of the Latin word *nuptiae*.⁹ We may regard the German *Hochzeit*, which replaced the earlier expression *Bräutlauf* in the fifteenth and sixteenth centuries and originally meant simply a large celebration, as having semantic spheres completely identical to these two terms.¹⁰ According to the most plausible view, in the early modern era all three words referred to a feast in the modern sense as the secular part of the marriage; however, in many cases they implied the marriage ceremony blessed by the church as well, and thus in their latter meaning they are actually the equivalents of “wedding” (a complex matrimonial event: wedding + feast) in today’s broader sense. While the German *Hochzeit* is the primary noun for marriage even today, the word *menyegző* began from the late sixteenth century on to be supplanted in a large part of the Hungarian language area by the expression *lakodalom*.¹¹

We can show the use of the word *lakodalom* beginning in the early sixteenth century. Contained in it is the verb *lakik* (to regale oneself) referring to eating. Originally the term *lakodalom* was used for all large celebratory feasts. The role played by the festive meal in the *menyegző* may explain how the word *lakodalom* could so easily assume the earlier meaning of the word *menyegző*: first perhaps the narrower, and then in the seventeenth century the broader one encompassing the entire marriage. The explanation of the expression *menyegzői lakodalom*, typical of this same century, confronts us with a more difficult task. Based on our sources it appears unequivocal that it is the Hungarian equivalent of the Latin expression *nuptiarum sollemnitatis*. In the Transylvanian and Hungarian invitations of the seventeenth century, the event specified in the invitation is quite frequently called *menyegzői lakodalom*. Does the phrase *menyegzői lakodalom* possess the broader meaning of *menyegző* as the word *lakodalom* does? The signs indicate that generally not in the usage of the majority, but rather that it was used only for the secular celebration, somewhat like the structurally similar modern English *wedding party* or the German *Hochzeitsfeier* expressions.

In place of both *menyegző* and *lakodalom* the invitations very often employ those words which originally referred to a single episode of the event, though one that held crucial importance, the handing over of the bride from her parents’

9 Albert Szenci Molnár, *Dictionarium Latinoungaricum* (Nürnberg: Elias Hutter, 1604), without page numbering, word “nuptiae”.

10 Bernward Deneke, *Hochzeit* (Munich: Prestel, 1971), 7. Christian Rubi, *Hochzeit im Bernerland* (Wabern: Büchler-Verlag, 1971), 42–43.

11 The Latin–Hungarian dictionary of Ferenc Pápai Páriz (first published in 1708) reflects this changing usage, although in some cases listing also the older term “menyegző;” Ferenc Pápai Páriz, *Dictionarium Latino–Hungaricum* (Bratislava: Johann Michael Landerer, 1801), 418.

home, and her being led over to the groom's house, but later on they covered the whole secular part of the marriage. In Hungarian these expressions are the *megadás* and *bazáadás* (on the part of the bride's family), as well as the *elbozás* and *bazavitel* (on the part of the groom's family), while the equivalent Latin technical term, which underwent a similar expansion of meaning, is unequivocally *elocatio*.

The name for the church part of the marriage represents a problem of comparable weight to the above, since some of the equivalent words may equally designate a betrothal in today's sense also. Such polysemous words are the Hungarian *kézfogás/kézfogó* ("handfasting") and the Latin *desponsatio* or *sponsalia*. However, there also exist words that beyond any doubt designate only the church ceremony.¹² Both the sixteenth-century *bitlés/bitelő*, and the *esketés/esküvő* and its variants in use beginning in the seventeenth century refer to the vow by which the parties affirmed their mutually declared intention to marry (*consensus*) during the ceremony. Our seventeenth-century sources also reveal that a *pars pro toto* referring to a completely different element of the marriage was regarded as the Latin equivalent of the two word clusters: the word *copulatio*, which in a narrower sense is that element of the wedding ceremony when the priest (for Catholics before the parties take their vows, and for Protestants following this) declares the marriage established. It is very important to make clear that only in the rarest of cases do the terms for the church part of the marriage occur in the nuptial invitations of the sixteenth- and seventeenth century.

For the sake of better comprehensibility, the results of our conceptual analysis are summarized in a table as well (Table 1).

Modern name	16 th -century Hungarian	17 th -century Hungarian	16 th –17 th -century German	16 th –17 th -century Latin
Lakodalom (The entire series of events taken together, or the secular part of the marriage, "nuptials")	Menyekező Menyegző Örömem napja Tisztességem napja	Lakodalom Örömem napja/ Menyegzői lakodalom	Hochzeit Hochzeitliche Freude/ ~r Freudentag	Nuptiae/ Nuptiarum sollemnitas/ Celebratio

12 E.g., the handfasting of Judit Thurzó on November 25, 1607 was definitely a church wedding and not a betrothal. Documents published in Béla Radvánszky, *Magyar családélet és háztartás a XVI. és XVII. században*, vol. 3 (Budapest: Helikon, 1986), 6–8, no. 12.

Lakodalom (<i>pars pro toto</i> terms, not including the church part)	Megadás Hazaadás Elhozás Hazavitel	Megadás Hazaadás (often preceded by tisztességes “respectable”)	Übergabe (modern form) ausgeben (verb)	Elocatio Elocationis sollemnitas
Esküvő (the ecclesiastical part of the marriage, the church ceremony)	Hitelő Hitlés Kézfogás	Hitlés (rare) Esketés/ Esküttetés Öszveesketés Esküvő Derék házasság Kézfogás	Trauung	Sponsalia Desponsatio Copulatio
Eljegyzés/ Eljegyez (the preliminary promise of marriage, i.e., “betrothal”)	Kézfogó/ Kézfogás Vettem/ választottam magamnak házastársul	Kézfogó/ Kézfogás/ eljegyez (verb)	Verlobung/ verloben Zu einen zukünftigen Ehgemal vermählen Zu Ehgemal vertrauen (jemandem)	Sponsalia Subarrhatio Desponsatio/ desponso elego in coniugem

Table 1.

The polysemy of the nouns meaning marriage in and of itself would not cause much trouble if in the invitations the verb clearly defined the act preceding the invitation. Unfortunately this is not the case. While most Latin-language letters as a rule make use of the phrase *desponsavi/desponsaverim in coniugem/uxorem* (thus, the inviting party literally speaks of betrothal), in the Hungarian-language letters we generally read *vettem magamnak feleségül* (“I have taken for myself as a wife”). But if the father or guardian of the bride writes the letter, in the majority of cases he uses the expression *adtam feleségül* (“I have given as a wife”) and its Latin equivalent (*elocavi/elocaverim in coniugem/uxorem*). Yet according to our modern linguistic intuition these formulations would mean not the betrothal but rather the marriage.¹³ The seventeenth-century invitations introduce the announcement of the wedding much rather with the phrases *jegyzette(m) el* (“I

13 One interesting comparison: in English “I take thee as wife/husband” was a typical verbal formulation of present consent and not designed to be used at betrothals; Donahue, *Lam, Marriage*, 17.

have betrothed”) or, in the case of the bride’s father, *ígértem házastársul* (“I have pledged as a spouse”). The enigmatic form *vettem* (“I have taken”) known from the letters crops up in the earliest Hungarian-language marriage vow (from the turn of the fifteenth and sixteenth centuries), as well as in numerous Protestant ritual books of the sixteenth century.¹⁴

One means of resolving the contradiction would be if we took the expression *feleségül venni* (“I have taken as wife”) to be equivalent to the phrase *választottam feleségül* (“I have chosen as wife;” in Latin: *elegerim (et petiverim) in coniugem*) employed in some of the sixteenth-century invitations, thus we could apply it to a simple betrothal. According to another proposed solution, the odd past-tense expression allows us to conclude the occurrence of a “handfasting” (*kézfogó*) prior to the invitation and reinforced by a vow (a firmer betrothal than that of today).¹⁵

Even more surprising than the above was that some of the sixteenth-century Latin-language invitations from Beszterce feature *iungo* or *copulo*, which are unequivocally the verbs of the church marriage, instead of *desponso*. All this would mean that the marriage ceremony occurred well before the wedding feast (*lakodalom*), indeed, before the letters were sent out. Moreover, the verb *desponso* is also frequently accompanied by a phrase difficult to interpret, namely, *iure/ritu matrimonii* (or possibly in the form *ritu sanctae catholicae ecclesiae*), that is, in accordance with the law/rite of marriage of the Universal Church (in a longer version: *iuxta ritum et (antiquam) consuetudinem sanctae catholicae ecclesiae/ matris ecclesiae*, that is “according to the ancient rite and custom of the Holy Mother Church”).

Our analysis of the early modern vocabulary of marriage has perhaps succeeded in conveying the difficulties with which our sources confront us at almost every turn. It is also clear that the old Hungarian system of marriage cannot be decoded solely with the help of the invitations and ritual books—only with the help of reference points outside the text can we free ourselves from the influence of our own era. We must move beyond and examine the ecclesiastical law background and conceptual network that defined the content and interrelationship of the above expressions.

14 Dániel Bárh, *Esküvő, keresztelő, avatás: Egyház és népi kultúra a kora újkori Magyarországon* (Budapest: MTA–ELTE, 2005), 105.

15 Bárh, *Esküvő, keresztelő*, 106–7.

The Evolution of Christian Marriage Law in a Nutshell

At first Christianity prescribed no formal marriage ceremony for its adherents; from the mid-fourth century on, however, the practice of the priest blessing marriages after the fact spread. Although the blessing was by no means necessary for the validity of the marriage, later nevertheless it was around it that a nuptial mass gradually crystalized, and as the last stage of the process the marriage ceremony of the church. In this evolution, the twelfth century, when marriage—primarily based on the teachings of Saint Augustine—finally earned its place among the sacraments, was of crucial importance. The consequence in this life of the acceptance of the sacramental nature was the veritable “reformation” of marriage law and, through it, of society.¹⁶ The church thereafter increasingly lay claim to the oversight of marriages, and demanded for itself the right to adjudicate them as well, while it regarded marriage as indissoluble. A new ideal equal in rank to celibacy was born,¹⁷ the institutional regulation of which was formed with the incorporation of important elements of Roman law. The most important borrowing undoubtedly was the basic principle that only a free act of agreement between two persons (*consensus*) with no external coercion could establish a marriage, which was a radical departure from the view emphasizing the exclusive right of the extended family of Germanic law to decide.¹⁸

Two great twelfth-century canonical schools were allotted a crucial role in shaping the details of the reform: the Parisian school, representing the Gallic church, and the Bolognese school, closely linked to the Italian church (*ecclesia cisalpina*). The Parisians, led by Peter Lombard [Petrus Lombardus] (†1164) and the Bolognese, associated with the name of Gratian [Gratianus], agreed on the primacy of *consensus* and the indissolubility of marriage, though their opinions differed over which act contained the sacrament that ultimately sealed the marital relationship.¹⁹ According to Gratian, this element was the consummation of the marriage (*copula carnalis*), therefore an unconsummated marriage (*conjugium initiatum*) could be dissolved, and of two declarations of consensus it was always the consummated one (*conjugium ratum*) that was the valid one, regardless of chronological order. The Parisian school, however, believed to have discovered

16 Harrington, *Reordering Marriage*, 134–42.

17 Franz Falk, *Die Ehe am Ausgang des Mittelalters: Eine kirchen- und kulturhistorische Studie* (Freiburg: Herder, 1908).

18 McCarthy, *Marriage*, 13–14.

19 Ozment, *When Fathers*, 26–27.

the sacrament in the declaration of the will to marry itself and sought to achieve the consolidation of the institution of marriage by introducing an additional concept of Roman law, betrothal in today's sense. It is in the canonical works of Ivo of Chartres (†1116) that the view first appears, which distinguishes the betrothal (*sponsalia de futuro*), containing a pledge in the future and dissoluble, from the marriage (*sponsalia de praesenti*), articulating a present-tense promise and regarded as completely indissoluble. By adopting this distinction, the Parisian school—at least on a theoretical plane—created the system of Christian marriages known today. In their view, if a person entered into two “betrothals” (*sponsalia*), the one in which the intention to marry is expressed by the exchange of words of present consent (*de praesenti*) was the valid one, and the issue of which was consummated was not crucial. While Gratian carried forward the traditional notion of a processual marriage (placing, it is true, unusually great emphasis on consummation), the Parisian school tied the establishment of the marriage to a single act, the *sponsalia de praesenti*.²⁰

It was Pope Alexander III (1159–1181), recognized as a canon lawyer as well, who settled the debate between the two schools, in essence more inclined to agree with the Parisian school. Gratian's views regarding the significant legal role played by consummation prevailed in merely two particulars: in the event of an unconsummated marriage the church permitted the spouses to enter a religious order; and it recognized that consummation transformed the intention to marry expressed by words of future consent into a valid marriage (*sponsalia de futuro carnali copula subsecuta*).²¹

Although these changes were meant to increase ecclesiastical influence over marriage, as a result of the exclusive emphasis of *consensus*, in a given situation they provided an opportunity to evade ecclesiastical and societal rules. For the church, because of its own principles of canon law, was also forced to recognize the validity of those marriages concluded out of the public eye and without formal ceremonies, or even without seeking the parents' consent (*matrimonium clandestinum*).²² Thus it is understandable that the fight against clandestine marriages became one of the engines for the development of marriage law. In the eyes of the church marriage remained a sacrament that the parties bestowed to one other, but for this there was an increasing demand for public scrutiny and

20 Reynolds, “Marrying,” 8–11.

21 Donahue, *Law, Marriage*, 16–17.

22 Gillis, *For Better*, 20.

the authenticating role of the priest.²³ Accordingly, the Fourth Lateran Council (1215) prescribed the priestly blessing of marriages, and in addition considered the reading of the banns three times in advance and the presence of witnesses to be necessary. It is true, however, that this regulation did not call the validity of clandestine marriages into question either.²⁴

Yet the late medieval evolution ultimately brought about the slow but continuous strengthening of the church's role. In many places the church ceremony confined itself to a blessing of the contracted marriage after the fact, but elsewhere it now became linked to some act of the traditionally multiphase marriage, for example, the rite of handing over the bride (*traditio/Trauung*). Here the priest was promoted from prominent witness to master of ceremonies: instead of the bride's relative or an entrusted third person it was now he who placed the girl into the groom's hand, while the ceremony moved from private homes and public spaces to the churches. At first it appeared that the Reformation was creating a new marriage law radically departing from the medieval one. Luther after a brief vacillation rejected the sacramental nature of marriage. Accordingly, he no longer regarded it as indissoluble either, calling it in fact a secular matter, by this he meant that it belonged among the institutions of the world that came into existence after the fall from grace, and subject to secular regulation.²⁵ One practical consequence of the line of thought was that the possibility of divorce appeared, while among the impediments to marriage "spiritual kinship" (coming about during baptism) disappeared.²⁶ Although the Reformation removed marriage from among the ranks of the sacraments, it increased its significance vis-à-vis celibacy, held to be harmful, and in the long term this laid the foundations of the superior ecclesiastical notion of marriage almost reminiscent of that of the sacraments.

At first Luther considered the distinction between the two kinds of betrothal (*sponsalia de praesenti/de futuro*) also to be contrived, a word game, and recognized only one, legally binding betrothal.²⁷ He questioned the constituting power of betrothal only in those cases where its validity was tied to some specific condition. In his view, therefore, it was the betrothal that created the marriage, while within

23 Ozment, *When Fathers*, 25–26; Reynolds, "Marrying," 12–13.

24 Harrington, *Reordering Marriage*, 57; Donahue, *Law, Marriage*, 32.

25 Dieterich, *Das protestantische*, 24–74; Witte, *Law and Protestantism*, 5–9, 201. Calvin, too, acknowledged the basically secular nature of marriage; Goody, *The Development*, 167.

26 On the medieval diriment or impedient impediments of marriage, see: Goody, *The Development*, 110–45; Donahue, *Law, Marriage*, 18–31.

27 Witte, *Law and Marriage*, 233–37.

the church ceremony only the public affirmation of the already contracted marriage took place. His opinion is strongly reminiscent of the teachings of the master of the Bolognese school, Gratian, though he does differ from the latter in that he considers parental consent as necessary for the marriage and, unlike Melancthon or Théodore de Bèze, does not attribute primary legal significance to consummation. Luther's view about the "secular" character of marriage was shared by the great figures of the Swiss Reformation as well, though the renewal of the faith ultimately failed to bring about a revolutionary change in the area of marriage law.²⁸ It is the medieval legacy of the new denominations that makes it comprehensible why in the end, despite Luther's fierce outbursts against canon lawyers, Protestant ecclesiastical law was established on foundations of medieval canon law and failed to break completely with the distinction between the two kinds of betrothal: the views regarding the question were visibly sharply divided. It may be stated in any case that, like Luther, a significant number of Lutherans saw the public betrothal as the beginning of legal marital relations and regarded the church ceremony that followed it as only a kind of affirmation. It is the medieval roots that explain also why right up until the seventeenth and eighteenth centuries the Protestant churches did not necessarily link the validity of the marriage to the church ceremony. However, in their case, too, the ambition to control marriages became increasingly strong, which was reflected in the marital arbitration as well.

The new Catholic Church born in the debates of the Council of Trent, on the other hand, already quite early on resolved itself to a comprehensive regulation of marriage law, first and foremost in order to eliminate clandestine marriages. With the Council of Trent's so-called *decree Tametsi* issued in 1563 a new era commenced in the area of marriage. Here those requirements already articulated in the Middle Ages but not consistently enforced were incorporated into a general system: marriages were to be concluded in a church, before the competent parish priest or priest entrusted by him, in the presence of two or three witnesses, and it was necessary to read the banns three times before the wedding because of any potential obstacles to marriage.²⁹ All marriages not satisfying these criteria were deemed invalid. The Catholic Church therefore stepping over the previous theological and canonical reservations broke with the monopoly of *consensus*, and proclaimed its own collaboration to be indispensable. (It was from

28 John Witte dates the turning point of Lutheran approach (i.e., the first comeback of canon law) to the 1530s (Witte, *Law and Protestantism*, 199–256); Harrington, *Reordering Marriage*, 16–17, 273–78.

29 Reynolds, "Marrying," 17.

this time on that there appeared the widely held view, naturally erroneous in the canon-law sense, that the act establishing the marriage was the joining of the couple by the priest.)

The reorganization exerted a significant influence also on the Protestant denominations, which were trying to introduce similar rules at this same time. As the final result of a lengthy process, by the eighteenth century, with the adoption of the Roman law notion, they too arrived at a result similar to the Catholic regulation, prescribing the church ceremony for the validity of marriages.

An Old Debate and Its Hungarian Offshoot

Naturally, the evolution of Christian marriage outlined above is the topic of numerous debates even today, with regard to both the form of the acts and their legal content. From the point of view of our present inquiry (the relationship of the ecclesiastical and secular elements of marriage) a nineteenth-century German legal history debate that hardly crops up in the modern English-language specialist literature, and its completely unknown continuation in Hungary will be the most important for us. It was at the time of the Bismarckian *Kulturkampf* in Germany that the debate between two extraordinarily well-prepared Lutheran legal historians, the national liberal supporter of the chancellor, Emil Friedberg (1837–1910), and the conservative Rudolph Sohm (1841–1917) about the history of marriage would take place.³⁰ Their positions held quite strong topicality as well, for it was precisely during the debate (in 1875) that compulsory civil marriages were introduced in the German Empire. The debate occurred mostly around the content and origin of the various legal acts: they tried to uncover the role and interrelationship of Germanic, canon and Roman law in the historical formation of West European marriage.

Sohm claimed no less than that the Germanic marriage law had lived on latently, in the guise of scholasticism, in medieval canon law, and from there the

30 Emil Friedberg, *Das Recht der Eheschließung in seiner geschichtlichen Entwicklung* (Leipzig: Verlag von Bernhard Tauchnitz, 1865); Rudolph Sohm, *Das Recht der Eheschließung aus dem deutschen und canonischen Recht geschichtlich entwickelt: Eine Antwort auf die Frage nach dem Verhältnis der kirchlichen Trauung zur Civilehe* (Weimar: Böhlau, 1875); Emil Friedberg, *Verlobung und Trauung. Zugleich als Kritik von Sohm das Recht der Eheschließung* (Leipzig: Verlag von Bernhard Tauchnitz, 1876); Rudolf Sohm, *Trauung und Verlobung: Eine Entgegnung auf Friedberg: Verlobung und Trauung* (Weimar: Böhlau, 1876). For a brief reference to the debate: Harrington, *Reordering Marriage*, 4. About the historical context: Stefan Ruppert, *Kirchenrecht und Kulturkampf: Historische Legitimation, politische Mitwirkung und wissenschaftliche Begleitung durch die Schule Emil Ludwig Richters* (Tübingen: Mohr Siebeck, 2002), 118–20.

basic structure passed over intact into Lutheran ecclesiastical law as well. Of the two phases of the marriage throughout it was the first that remains binding. In the most widespread form of Germanic marriage (*Muntebe*) this first phase was the betrothal (*Verlobung*), which the two extended families concluded with one another in the form of an oral contract (later the groom was also allotted an active role), while the second phase is the ceremonial handing over of the bride and the guardianship exercised over her to the groom (*Trauung*). The marriage, according to Sohm's theory, was established by the *Verlobung*, though to purely negative effect, determining that they could not enter into a similar relationship with another person, then during the *Trauung* as an act of fulfillment the positive impact appeared: namely the marital union. The Gratian-type *conjugium initiatum* of canon law was nothing less than the Germanic *Verlobung*, while the *conjugium perfectum* essentially corresponded to the Germanic *Trauung*.³¹ The sole difference was that in canon law the legal function of the *Trauung* was assumed by consummation (*matrimonii consummatio*). Sohm also claimed resolutely that the Parisian school's distinction, elevated to an official position in the twelfth century, had remained a dead letter: the *sponsalia de futuro* (the betrothal corresponding to today's notion) originating in Roman law had not taken hold in practice, and throughout the Middle Ages only a single marriage-forming betrothal had existed.³² This was attested also by those words in numerous Germanic and Romance languages that could designate equally spouse and betrothed, as well as betrothal and marriage. (We could note this fact earlier in relation to the Hungarian language as well.) The church ceremony coming into use after the great reform of the twelfth century as a complementary element in his view was connected to the second phase, counting as an act of fulfillment, and not to the betrothal actually establishing the marriage, since it was on the day of the *Trauung* that the secular celebration of the marriage was held, i.e., the wedding feast in its narrower sense (*Hochzeitsfeier*), and it appeared logical that the church celebration should also be connected to this.³³ With the linking of the element of fulfillment and the church ceremony, however, it was precisely the act forming marriage, the legally crucial betrothal, that had remained unregulated, and this had resulted in the complete irrelevance of the church. The Catholic Church had drawn the lesson at the Council of Trent: it had carried out the first substantive modification of canon law marriage. Recognizing the marriage-constituting

31 Sohm, *Trauung und Verlobung*, 61–62.

32 Sohm, *Trauung und Verlobung*, 74–108.

33 Sohm, *Das Recht*, 187.

force of betrothal, they had changed the church ceremony into a ceremony in the nature of a betrothal, the second phase, the *Trauung* in fact had ceased to exist, and its remnants came to be linked to the binding betrothal as wedding formulas. However, it was not these words of *copulatio* that formed the essence of the new church ceremony, but rather the *consensus* solemnly declared in the presence of the priest as witness. It was now that the distinction formed in the twelfth century became reality: before the *sponsalia de praesenti* as marriage solemnized by the church's involvement, the genuine, modern betrothal that originated in Roman law and could no longer be changed into a marriage through consummation, appeared in the Catholic matrimonial ritual.

The Lutherans, according to Sohm, had tread a different path. Luther had by no means opposed the essence of canonical teachings when he deemed the entirely theoretical distinction between the *sponsalia de futuro* and *sponsalia de praesenti* to be word play but rather had simply registered the previously widespread perception.³⁴ As Sohm saw it, Lutheran church law in the sixteenth century had completely preserved the marriage system of medieval canon law, with the betrothal that created a legal relationship, and the fulfillment of the contract, consummation. Over the course of the seventeenth century this had been altered in that it was the church ceremony emerging around the handover transaction of Germanic law (*Trauung*), at first in addition to consummation, and later completely assuming its role, that represented the second, contract-fulfilling act. And this would have restored the original Germanic marriage system, which only the reception of Roman marriage law in the eighteenth century effaced.³⁵

Friedberg's views, expounded with similar erudition, were diametrically opposed to the above ideas. For him, already in the era of Germanic law it was the second phase, the *Trauung*, that established the marriage, and in his view this remained so in canon law as well. Friedberg believed that the *Verlobung* of Germanic law over the course of the Middle Ages had fused into the *Trauung*, forming a single act of marriage, and it was as preparation for this that the betrothal originating in Roman law (*sponsalia de futuro*) appeared in the twelfth century. The *sponsalia de praesenti* establishing the marriage, likewise adopted from Roman law, in turn appears as one of the elements of the new complex *Trauung*. It was precisely in this that the canon lawyer believed to have discovered the

34 Sohm, *Trauung und Verlobung*, 110–23.

35 A recent application of Sohm's theory: Richard von Dülmen, *Kultur und Alltag in der frühen Neuzeit*, vol. 1, *Das Haus und seine Menschen* (Munich: C. H. Beck, 1990), 144–48.

proof that it was the *Trauung* that had been the start of marriage in earlier times, too.

Thus, according to Friedberg the distinction of the Parisian school had indeed taken root, and in fact had become generally accepted in canon law. He calls into question the significance of Gratian's teachings.³⁶ In his opinion, the significance of the Tridentine reform lies not in the fact that it joins the church ceremony to the act establishing the marriage, since it had been connected to it up until then, but rather in that with the complete fading of the legal significance of the *Trauung* the last elements of Germanic law also disappeared from the marriage rite formed on the basis of Roman law in the twelfth century.

Friedberg naturally thought differently about Luther as well. In his assessment, the reformer had adopted the binding betrothal not from the hated medieval canon law but from the church fathers. Although the Luther-type "sponsalia theory" had won acceptance in Lutheran church law (and betrothals, in contrast to Sohm's view, were regarded as marriages possessing full legal force), in practice because of the resistance of society and the secular authorities it had penetrated but little.³⁷ Critical voices among Lutheran church lawyers appear already in the seventeenth century, then in the eighteenth century the influence of natural law displaced the archaic notion introduced by Luther, which was completely at variance with medieval practice as well.³⁸

From the above it is perhaps clear that both theories contain numerous speculative elements, and it is their strength that is also their weakness: they seek to provide a unitary, comprehensive explanation for the development of marriage in Western Europe. The seeds of the debate in Germany a decade later sprouted in Hungary. This is no coincidence, for in the decades prior to the introduction of compulsory civil marriage (1894) in Hungary, too, interest in the history of marriage customs increased greatly. Gyula Kováts's (1849–1935) work *A házasságkötés Magyarországon egyházi és polgári jog szerint* [Marriage in Hungary according to Ecclesiastical and Civil Law] appeared in 1883, followed in 1887 by Baron Ervin Roszner's (1852–1928) strongly polemical monograph.³⁹ A heated scholarly debate erupted between the two canon lawyers, followed with lively attention by educated public opinion as well. The Protestant Kováts emerged

36 Friedberg, *Verlobung und Trauung*, 32–34.

37 Friedberg, *Das Recht*, 153–75 and 203–10.

38 Friedberg, *Verlobung und Trauung*, 70–78.

39 Gyula Kováts, *A házasságkötés Magyarországon egyházi és polgári jog szerint* (Budapest: Hoffmann és Molnár, 1883); Ervin Roszner, *Régi magyar házassági jog* (Budapest: Franklin-Társulat, 1887).

as a follower of Sohm, while the Catholic Roszner championed Friedberg's teachings.

Although more than one renowned legal historian of the era paid tribute to Roszner's accomplishment, nevertheless in hindsight it is evident that in a few important questions we must side with the much better trained Kováts, who adapted his German master's theses independently. For us, the most interesting element of the dispute is the same question that earlier had caused the greatest commotion in Germany too: the presumed marriage-forming nature of betrothal. In the course of the debate Roszner succeeded in proving that the distinction between *sponsalia de praesenti* and *de futuro* in the thirteenth century cropped up in legal documents in Hungary (later, sporadically, in diplomas as well), and on the basis of this he presumed that the modern ritual had appeared in Hungary already in the Middle Ages, with the betrothal that created the engaged relationship, and the subsequent marriage.⁴⁰ Kováts by contrast argued that although the distinction had been known in theory, in practice for a very long time only one marriage-forming betrothal, called *desponsatio* or *desponsatio per verba de praesenti* in Latin, had existed, followed after a certain interval by a secular act of fulfillment incorporating consummation as an essential moment: the wedding feast.⁴¹ (In the Hungarian canon lawyer's theory this occupied the place of Sohm's *Trauung*, originating in Germanic law, becoming over time part of the church ceremony.) From his writings it is strongly apparent that he himself could not decide with absolute certainty: to which phase of the marriage the church ceremony, at this time still insignificant in a legal sense, was typically linked—the first: marriage-binding betrothal, the second: the wedding feast (*lakodalom*), or perhaps occurring as a third element in time between the betrothal and the wedding feast (*lakodalom*). As far as can be discerned from his obscure formulations, he considers perhaps the first version to be the most widespread, though he does not reflect at all on how strongly he diverges from Sohm's thinking in this regard. Kováts believed that this custom—at times with the temporal separation of the betrothal (*kézfogó*) serving as marriage and the church wedding (*összeadás*)—had predominated, for Catholics until the reception of the Council of Trent while for Protestants right up until the mid-eighteenth century.⁴² The great strength of his argument, compared not only to Roszner's

40 Roszner, *Régi magyar*, 70–78.

41 For the most detailed explanation of Kováts's views, see Gyula Kováts, *Szilágyi Márton tanítása az eljegyzésről 1690* (Budapest: Magyar Tudományos Akadémia, 1885).

42 Kováts, *Szilágyi Márton*, 61–68.

thinking but Sohm's as well, was that his attention also extended to the role played by the wedding feast in the marriage. (For Sohm the wedding feast was merely a secular celebration accompanying the *Trauung* always held on the same day as the latter, to which he attributes no great significance despite the fact that it serves as the framework for consummation—essentially he considers it a sort of appendage to the second phase.) Although Kováts's assertions, formulated partly following Sohm and partly on the basis of his own research, are highly generalizing, and debatable with regard to the legal content of certain acts, his theory as an attempt at description nevertheless can offer a strong basis for analysis.

Marriage Practice in Medieval and Early Modern Hungary

One of the Hungarian canon lawyer's most important guiding threads in the issue of betrothal was Transylvanian memoir literature. It was Gyula Kováts who first read with a truly keen eye the description of marriages given by Baron Péter Apor (1676–1752) in his nostalgic Hungarian-language work about the everyday life of the Transylvanian nobility in the seventeenth century. The text, apart from the blessing of the nuptial table, mentions only one church ceremony, specifically in connection with the “handfasting.” According to the author of the *Metamorphosis Transylvaniae*, among the Transylvanian nobility the custom was that immediately after the exchange of rings:

... the young man sent again his two relatives and called on the girl to pledge herself. Then the father and mother and their relatives once more brought out the girl and the ceremony took place. There was a decent cloth on the table, and another was spread on the ground in front of it, and the priest stood in front with his back to the table facing the assembled company; the young man came forth and stood on the cloth, a female relative led the girl forth, and the priest administered the vows. When the ceremony was concluded the girl was led inside once more (translation by Bernard Adams).⁴³

The authenticity of Apor's description is buttressed by the autobiography of Miklós Bethlen (1642–1716) as well. Reading his account of the two marriages carefully, it is unequivocal that on both occasions the wedding (church ceremony)

43 Baron Péter Apor of Altörja, *Metamorphosis Transylvaniae*, trans. Bernard Adams (London: Kegan Paul, 2003), 56.

took place only within the framework of the betrothal, while the feast following the rather large-scale event was merely a feast and nothing more.⁴⁴

Kováts also uses the bible of traditional Hungarian noble customary law, István Werbőczy's *Tripartitum* (1514) as support for his theory. The legal scholar in the first part of his work writes that sons are freed from paternal authority through division of the estate and daughters by the *desponsatio* and the *nuptiarum sollemnitas*.⁴⁵ Because a Roman-law type *de futuro* betrothal could not have involved such a legal consequence, it is therefore unequivocal in his opinion that the former expression must be translated as a binding betrothal, and the latter as *wedding feast*. The identification of the *nuptiarum sollemnitas* in addition is aided by the fact that Werbőczy equates it with consummation by inserting the Latin conjunction *sive* ("that is").

Although Kováts unfortunately ignores the ritual books (and his work suffered from this), nonetheless he does list one Calvinist ecclesiastical source rejecting the distinction between the betrothal and the marriage among the main proofs for his theory. This is a work of ecclesiastical law appearing in 1690 and written by Márton Szilágyi, from the Tiszántúl (region east of the Tisza River): the *Triga divortialis*, which in its outlook truly stands quite close to the old teachings of Gratian.⁴⁶ Kováts's observations about the form of the marriage can be supported, apart from the already quoted wedding invitations, primarily with narrative sources: for example, noble diaries, which are excellent records of the schedule of customs. In these it frequently occurs that the church ceremony (handfasting, vow-taking) is joined not to the wedding feast, but to the betrothal. However, in general the two elements are clearly distinguished from one another.⁴⁷

Among the sources of the church administration, too, we find ones attesting to the fact that the church ceremony did not, or more precisely did not always occur within the framework of the wedding feast (*lakodalom*). The church visitation register of István Csulyak Miskolci, the Calvinist dean of Zemplén County (1629–1645), contains the following requirement, reflecting

44 Miklós Bethlen, *The Autobiography of Miklós Bethlen*, trans. Bernard Adams (London: Kegan Paul, 2004), 241, 351–52.

45 János Bak, Péter Banyó, and Martyn Rady, ed. and trans., *The Customary Law of the Renowned Kingdom of Hungary: a Work in Three Parts Rendered by Stephen Werbőczy: The "Tripartitum"* (Los Angeles: Charles Schlacks, 2005), 118–19.

46 Kováts, *Szilágyi Márton*, 19–38.

47 E.g., Kálmán Szily, ed., "Farkas Pál és Farkas Ádám följegyzései 1638-tól 1694-ig," *Történelmi Tár* (1884): 91.

the multiplicity of practice: that “those who do not wed at the time of their betrothal (*kézfogáskor*) should wed in the morning, and in the church.”⁴⁸ The 1649 ecclesiastical law book of the Transylvanian Calvinist bishop István Geleji Katona prescribes that not much time should pass between the joining of the couple (*copulatio*) and the wedding feast (*nuptiae*), lest the couple become intimate ahead of time or, on the contrary, quarrel.⁴⁹

In examining the relationship of the ecclesiastical and secular elements of marriage ethnographic research also comes to our aid. It was the best known Hungarian researcher of folk legal customs, Ernő Tárkány Szűcs, who observed that in a few conservative Calvinist villages in southern Hungary the handfasting (*kézfogó*) likewise used to be held in the church, before a priest.⁵⁰ Among the Hungarians of Slavonia, this ceremony assured the groom the right also to sleep with his fiancée. The author himself thought that the phenomenon was the remnant of an archaic set of customs, in which the contracting of a marriage consisted of merely two elements: the betrothal performed in the presence of the church and the consummation. More recently, researching the ecclesiastical administration of justice, Réka Kiss pointed out that in sixteenth- and seventeenth-century Hungary and Transylvania the church wedding ceremony (*esküvő*) was often linked to the betrothal and in such instances preceded the completely secular wedding feast.⁵¹

However, we also possess ample sources that prove the existence in the medieval and early modern eras of the custom known today: the church ceremony integrated into the wedding feast, and the betrothal preceding it. For example, it is unequivocally in connection with the *menyegző* that the 1538 special statute of Beszterce, citing the provisions of the *Hochzeitsordnungen* (wedding ordinances) of Germany, stipulates that only as many bridesmaids (*nyoszolyólány*) escort the bride to the church as can be seated at one table.⁵²

48 Jenő Zoványi, ed., “Miskolci Csulyak István zempléni református esperes (1629–1645) egyházlátogatási jegyzőkönyvei,” *Történelmi Tár* (1906): 64.

49 István Geleji Katona, *Canones ecclesiastici: Ex veteribus quam Hungariensibus, quam Transilvaniensibus in unum collecti, plerisque tamen aliis etiam pro temporis ratione aucti, ac in paulo meliorem ordinem redacti* (Gyulafehérvár/Alba Iulia: n.p., 1649), 33–34.

50 Ernő Tárkány Szűcs, *Magyar jogi népszokások* (Budapest: Gondolat, 1981), 336–38.

51 Réka Kiss, *Egyház és közösség a kora újkorban: A Kükküllői Református Egyházmegye 17–18. századi iratainak tükrében* (Budapest: Akadémiai, 2011), 106–9.

52 Arhivele Naționale Direcția Județeană Cluj, Primăria orașului Bistrița [III, a, 2, Magistratsprotokoll 1525–1541], 46–47.

Elsewhere we likewise encounter wedding feast linked with wedding ceremony (and with the betrothal, or exchange of rings, presumably preceding it, functionally corresponding to that of today). One such is the *menyegző* combined with *készfogyó* (i.e., wedding) of György Thurzó's daughter Judit in 1607.⁵³ Nor must we forget that a significant number of the early modern Protestant ritual books not consulted by Gyula Kováts record the custom known today. Finally, we must mention also that in a few of our sixteenth-century invitations from Beszterce the impending event is called *bitelés* rather than the customary *menyegző*, which almost certainly indicates that the church ceremony was held within the framework of the wedding feast.

Apart from the two basic form of marriage presented, additional variants crop up in early modern Hungary: it is very likely that the separation and joining together of the different elements of the church marriage (*copulatio*, vows, exchange of rings, nuptial blessing), as well as their varying connection to the wedding feast, brought about numerous variations.⁵⁴ Instructive is the case of a seventeenth-century Lutheran noble, Mihály Libercsey, whose first marriage in 1638 occurred entirely according to the modern custom: he became engaged to the girl with an exchange of rings, then the wedding feast was celebrated on the same day as the *készfogyás* (= wedding).⁵⁵ After becoming widowed he remarried, but this time following a completely different schedule. On April 3, 1667 he became engaged to the widow of György Zmeskál, Anna Aranyadi, in Lestina [Leštiny, Slovakia], the next day he “takes her as a wife,” while they hold their wedding feast on May 1, 1667 in the castle of Gács [Halič, Slovakia].⁵⁶ The betrothal and the handfasting presumably incorporating the church ceremony as well here almost coincide (though they are clearly distinct), while the wedding feast became detached in time and space.

53 Gabriella Weichhart, *Keresztelő, házasság és temetés Magyarországon 1600–1630* (Budapest: Stephaneum, 1911), 11–13.

54 About the church rites of marriage and ritual books in early modern Hungary, see Báth, *Esküvő, keresztelő*, 39–142.

55 9. October 1638. Wedding invitation of Mihály Libercsey. Magyar Nemzeti Levéltár Nógrád Megyei Levéltára XIV, 3. Nagy Iván akadémikus-történész iratai D/1, fol. 1810.

56 The data comes from the diary of the Libercsey Family: Magyar Nemzeti Levéltár Országos Levéltára P 481. Madách család levéltára, fasc. IV, no. 14, fols. 13–38.

Conclusion

Based on the above, a unitary, pure picture of the forms of marriages like that which the German and Hungarian legal historians of the nineteenth century believed to see, can certainly not be drawn. All signs indicate that in medieval and early modern Hungary and Transylvania several forms of marriage existed. The Tridentine reform of marriage and the similar resolutions of the Protestant synods later on gradually made the modern betrothal and the wedding ceremony (*esküvő*) integrated into the wedding feast (*lakodalom*) a general practice. However, the invitations from Beszterce and other sources reveal that, prior to the reception of the Decree *Tametsi* and the complete consolidation of Protestant marriage law, a betrothal closely linked to the church ceremony and a purely secular wedding feast formed one of the basic types, which we may by no means consider a rare exception.

It may also be rightly assumed that among commoners despite prohibitions in numerous cases the church's collaboration was lacking.⁵⁷ Some of the European parallels likewise show the long survival of clandestine marriages and diversity.⁵⁸ The Protestant and Catholic ritual books of the seventeenth century reveal that the church did not insist firmly in every case on the church building as the venue for administering the vows. The uniform timetable and form of marriage in Hungary emerged as the result of a very long process, through the gradual encroachment of ecclesiastical supervision. We as yet cannot see clearly the existing territorial, confessional and societal differences in regard to marriage, nor the date when the unification occurred in the various areas of the country. We suspect that in many areas this transpired only in the eighteenth century. Indeed, even in an early ethnographic description of customs, György Nemesnépi Zakál's 1818 work on the ethnography of the Órség region, the wedding feast figures as an event separate from the church wedding in time. (True, the church ceremony is preceded by a "modern" betrothal.)⁵⁹

It is not by chance that we spoke about the form of marriage above. At the forefront of Rudolph Sohm's and Gyula Kováts's inquiry—being legal historians—is not this, but rather the legal content of the marriage acts.

57 Bakó, *Palóc lakodalom*, 31; Kiss, *Egyház és közösség*, 115–18.

58 Lawrence Stone, *Road to Divorce: England 1530–1987* (New York: Oxford University Press, 1992), 51–66; Klapisch-Zuber, *Woman, Family*, 181–212.

59 György Nemesnépi Zakál, "Órségnek leírása," in *Magyar tájak néprajzi felfedezői*, ed. Attila Paládi-Kovács (Budapest: Gondolat, 1985), 45.

Kováts considered betrothal as constituting marriages not only in those cases when they were paired with the administration of wedding vows, but rather he regarded every betrothal as establishing marriage, regardless of the form it took. This was specifically because he denied the validity of the canonical distinction that appeared in the twelfth century separating the betrothal from the marriage. (Regarding the characteristic form, he in fact diametrically opposes Sohm: according to the German canon lawyer, the church act, for a long time insignificant, was always connected to the second stage of the marriage.) In Kováts's works the questions of legal content and form become blurred in a very misleading way. The historical sources from Hungary that he cites to demonstrate the marriage-binding betrothal in reality prove only the temporal separation of the wedding feast and the wedding, as well as the frequent coincidence of the betrothal and the church ceremony, that is, the physical sequence of the events. Today scholars view the marriage of Germanic law, which served as Sohm's standard, differently as well: in addition to *Verlobung* and *Trauung*, they interpret the "taking home of the bride" (*Heimführung*), as well as the ritual placing of the couple into the nuptial bed (*Beilager*), very important from the point of view of property law, as an independent, temporally separate, third phase introducing marital life.⁶⁰ Through the change in outlook it was the acts of the wedding feast in fact that assumed independent legal meaning. Moreover similar developments in research obviously dismantle the perfect symmetry of nineteenth-century theoretical systems. Must we completely reject the views of the German canon lawyer and his Hungarian follower concerning the binding betrothal? We think not, because in addition to the opinion victorious in the great debate of the twelfth century, the Gratian-type position, which did not accept the betrothal of Roman law (*de futuro*), reappeared time and again with varying intensity. It is our strong suspicion that ultimately it is to this legal outlook, gaining strength once again after the Reformation, that the past tense forms appearing in Hungarian wedding vows and banns, as well as the wedding invitations of the sixteenth century, can be traced back, and not to the fact that in terms of form the betrothal happened to occur in combination with the administration of the vows. A further argument in favor of the existence of the notion of marriage-forming betrothal, and against the general and fully clear distinction between betrothal and marriage is the prominent fact that in the early modern era both

60 Jörg Wettlaufer, "Beilager und Bettleite im Ostseeraum (13–19. Jahrhundert): Eine vergleichende Studie zum Wandel von Recht und Brauchtum der Eheschließung," in *Tisch und Bett. Die Hochzeit im Ostseeraum seit dem 13. Jahrhundert*, ed. Thomas Riis (Frankfurt am Main: Peter Lang, 1998), 81–128.

the Latin and Hungarian languages each had a very widespread term which, as we saw, was equally applied to both acts (*desponsatio/kézfogás*). And this allows us to conclude that the undifferentiated betrothal of medieval marriages only slowly disappeared from both spoken usage and practice.⁶¹

Therefore, the simplest and most concrete results of our examination are the following. From the point of view of the historical sciences, one of the serious lessons is that we must proceed very cautiously in analyzing our medieval and early modern sources: the Latin *nuptiae*, the Hungarian words *menyegző* and later *lakodalom* may designate both a purely secular celebration as well as an occasion that incorporates the church ceremony. The Latin *desponsatio* and its verbal forms may denote not only a simple betrothal (*sponsalia de futuro*) but also a betrothal contracting marriage, i.e., “wedding” (*sponsalia de praesenti*).⁶²

For ethnographic research, in turn, it may be very interesting that in the event of a binding form of betrothal (betrothal + administering of vows) followed by a separate feast (*lakodalom*) all those liminal rites⁶³ that in a wedding integrated into the feast (known from twentieth-century popular culture) immediately precede the church ceremony, here occur later: do prepare the taking home of the bride or the consummation; moreover, they occur within the framework of a secular *feast*. The emphasis fall completely elsewhere, it is not the church wedding ceremony that is the great turning-point of the ritual. In addition to making the Trident conditions compulsory this may be one of the crucial moment when the church exercised decisive influence on folk culture. That the integration of the wedding ceremony into the *lakodalom* fundamentally altered the secular rites of marriage is clearly shown by nineteenth-century ethnographic collections as well. From all parts of the Hungarian language territory we have data from this time that after the wedding ceremony the couple and the two wedding parties withdrew from the church separately and went to separate houses to have lunch as if nothing had happened.⁶⁴ Only in the afternoon, after the meal had been consumed, did the groom’s wedding party set out for the bridal house, so that the final requesting the bride (*kikérés*) and solemn handing over of the bride (from an ecclesiastical point of view already wife) to happen in dramatic form, which is followed by the sad farewell of the bride from her kinfolk and her companions and her being led over to the groom’s house. (The above liminal rites

61 About the marriage contracting betrothal of the early Middle Ages, see Reynolds, “Marrying,” 4–7.

62 Reynolds, “Marrying,” 11.

63 Arnold van Gennep, *The Rites of Passage* (London: Routledge, 2004), 1–14, 116–45.

64 Bakó, *Palócöldi lakodalom*, 57–60.

clearly indicate that in the given system the leading of the bride to the groom's house [*átvezetés/hozavitel* = *leading over, taking home*] is the most important secular element of the marriage.) This peculiar sequence of nuptial events, widespread in Hungary but not occurring in the West European descriptions of customs known to us, the requesting after the church wedding in our opinion mirrors the fact that the rigid structure of the feast, in its basic form purely secular, only gradually adapted to the insertion of the church ceremony, only after some delay. If we regard the late rise of ethnographic collecting, we now see that the abovementioned liminal rites as the indicators of the crucial event shifted to an earlier time, that is, they immediately precede the church wedding ceremony.

With the help of the sixteenth-century wedding invitations sent to the Transylvanian town of Beszterce we have perhaps succeeded in showing that, in addition to the much-interrogated protocol records and documents of ecclesiastical courts, other sources may also take us closer to the labyrinthine system of medieval and early modern marriages. Their serious advantage over the litigation material is that they are witnesses not of deviations from the norm but rather of everyday practice. The invitations, the narrative and legal sources called upon to assist in their analysis, as well as the ethnographic data all point in the direction that not even in the sixteenth and seventeenth centuries can we speak of the full realization of twelfth- and thirteenth-century ecclesiastical regulation in the Kingdom of Hungary and the Principality of Transylvania. Perhaps the denominational variety of the territory also played a role in this, but a comprehensive explanation can hardly be the task of our brief study.

Archival Sources

Arhivele Naționale Direcția Județeană Cluj, Primăria orașului Bistrița [Cluj County Branch of the National Archives of Romania in Cluj, Archive of the Town of Bistrița] III. a. 2. Magistratsprotokoll 1525–1541.

Magyar Nemzeti Levéltár Nógrád Megyei Levéltára. XIV.3. Nagy Iván akadémikus-történész iratai. [Nógrád County Branch of the National Archives of Hungary, Balassagyarmat, Documents of the historian Iván Nagy].

Magyar Nemzeti Levéltár Országos Levéltára. P 481. Madách család levéltára [National Archives of Hungary, Central Archive in Budapest, Documents of the Madách Family].

Bibliography

- Apor, Péter. *Metamorphosis Transylvaniae*. Translated by Bernard Adams. London: Kegan Paul, 2003.
- Bak, János, Péter Banyó, and Martyn Rady, eds. and trans. *The Customary Law of the Renowned Kingdom of Hungary: a Work in Three Parts Rendered by Stephen Werbőczy: The "Tripartitum."* Los Angeles: Charles Schlacks, 2005.
- Bakó, Ferenc. *Palócöldi lakodalom* [Nuptials of the Paloc Land]. Budapest: Gondolat, 1987.
- Balázs, Lajos. *Az én első tisztességes napom: Párválasztás és lakodalom Csíkszentdomokoson* [My First Day of Respectability: Mating and Wedding in Sîndomonic]. Bucharest: Kriterion, 1994.
- Bárth, Dániel. *Esküvő, keresztelő, avatás: Egyház és népi kultúra a kora újkori Magyarországon* [Wedding, Baptism and Initiation: Church and Popular Culture in Early Modern Hungary]. Budapest: MTA and ELTE, 2005.
- Bethlen, Miklós. *The Autobiography of Miklós Bethlen*. Translated by Bernard Adams. London: Kegan Paul, 2004.
- Deltmer, Hans. *Die Figur des Hochzeitsbitters: Untersuchungen zum hochzeitlichen Einladungsvorgang und zu den Erscheinungsformen. Geschichte und Verbreitung einer Brauchgestalt*. Frankfurt am Main: Peter Lang, 1976.
- Deneke, Bernward. *Hochzeit*. Munich: Prestel, 1971.
- Dieterich, Hartwig. *Das protestantische Eherecht in Deutschland bis zur Mitte des 17. Jahrhunderts*. Munich: Claudius Verlag, 1970.
- Donahue, Charles, Jr. *Law, Marriage, and Society in the Later Middle Ages: Arguments About Marriage in Five Courts*. New York: Cambridge University Press, 2007.
- Dülmen, Richard von. *Kultur und Alltag in der frühen Neuzeit*. Vol. 1, *Das Haus und seine Menschen*. Munich: C. H. Beck, 1990.
- Erdélyi, Gabriella. "Szerettem egyszer egy nőt": Házasságkötés és házasságtörés 1500 körül" [I Once Loved a Woman: Marriage and Adultery around 1500]. *Történelmi Szemle* 49, no. 2 (2007): 165–78.
- Falk, Franz. *Die Ehe am Ausgang des Mittelalters: Eine kirchen- und kulturhistorische Studie*. Freiburg: Herder, 1908.
- Friedberg, Emil. *Das Recht der Eheschließung in seiner geschichtlichen Entwicklung*. Leipzig: Verlag von Bernhard Tauchnitz, 1865.
- Friedberg, Emil. *Verlobung und Trauung. Zugleich als Kritik von Sohm das Recht der Eheschliessung*. Leipzig: Verlag von Bernhard Tauchnitz, 1876.
- Geleji Katona, István. *Canones ecclesiastici: Ex veteribus quam Hungariensibus, quam Transilvaniensibus in unum collecti, plerisque tamen aliis etiam pro temporis ratione aucti, ac in paulo meliorem ordinem redacti*. Gyulafehérvár/Alba Julia: n.p. 1649.

- Genep, Arnold van. *The Rites of Passage*. London: Routledge, 2004.
- Gillis, John R. *For Better, for Worse: British Marriages, 1600 to the Present*. New York: Oxford University Press, 1985.
- Goody, Jack. *The Development of the Family and Marriage in Europe*. Cambridge: Cambridge University Press, 1983.
- Harrington, Joel Francis. *Reordering Marriage and Society in Reformation Germany*. New York: Cambridge University Press, 1995.
- Horn, Ildikó, Andrea Kreutzer, and András Péter Szabó, eds. *Politika és házasság: Menyegzőre hívogató levelek a 16. századi Erdélyből* [Politics and Marriage: Wedding Invitations from Sixteenth-Century Transylvania]. Budapest: ELTE BTK, 2005.
- Kiss, Réka. *Egyház és közösség a kora újkorban: A Küküllői Református Egyházmegye 17–18. századi iratainak tükrében* [Church and Community in the Early Modern Period: the Calvinist Diocese of Küküllő as Reflected in its Records from the Seventeenth and Eighteenth Centuries]. Budapest: Akadémiai, 2011.
- Klapisch-Zuber, Christiane. *Woman, Family and Ritual in Renaissance Italy*. Chicago: The University of Chicago Press, 1987.
- Kováts, Gyula. *A házasságkötés Magyarországon egyházi és polgári jog szerint* [Marriage in Hungary according to Ecclesiastical and Civil Law]. Budapest: Hoffmann és Molnár, 1883.
- Kováts, Gyula. *Szilágyi Márton tanítása az eljegyzésről 1690* [Márton Szilágyi's Theory on Betrothal in 1690]. Budapest: Magyar Tudományos Akadémia, 1885.
- McCarthy, Conor. *Marriage in Medieval England: Law, Literature and Practice*. Woodbridge: The Boydell Press, 2004.
- Nemesnépi Zakál, György. “Őrségnek leírása” [Description of the Őrség]. In *Magyar tájak néprajzi felfedezői* [Ethnographical Explorers of the Hungarian Countryside], edited by Attila Paládi-Kovács, 31–55. Budapest: Gondolat, 1985.
- Ozment, Steven E. *When Fathers Ruled: Family Life in Reformation Europe*. Cambridge, MA: Harvard University Press, 1983.
- Pápai Páriz, Ferenc. *Dictionarium Latino-Hungaricum*. Bratislava: Johann Michael Landerer, 1801.
- Radvánszky, Béla. *Magyar családélet és háztartás a XVI. és XVII. században* [Hungarian Family Life and Household in the Sixteenth and Seventeenth Centuries], vol. 3. Budapest: Helikon, 1986.
- Reynolds, Philipp L. “Marrying and Its Documentation in Pre-Modern Europe: Consent, Celebration and Property.” In *To Have and to Hold: Marrying and Its Documentation in Western Christendom 400–1600*, edited by Philipp L. Reynolds and John Witte, Jr., 1–42. New York: Cambridge University Press, 2007.

- Roszner, Ervin. *Régi magyar házassági jog* [Ancient Hungarian Marriage Law]. Budapest: Franklin-Társulat, 1887.
- Rubi, Christian. *Hochzeit im Bernerland*. Wabern: Büchler-Verlag, 1971.
- Ruppert, Stefan. *Kirchenrecht und Kulturkampf: Historische Legitimation, politische Mitwirkung und wissenschaftliche Begleitung durch die Schule Emil Ludwig Richters*. Tübingen: Mohr Siebeck, 2002.
- Sohm, Rudolf. *Das Recht der Eheschließung aus dem deutschen und canonischen Recht geschichtlich entwickelt: Eine Antwort auf die Frage nach dem Verhältnis der kirchlichen Trauung zur Civilehe*. Weimar: Böhlau, 1875.
- Sohm, Rudolf. *Trauung und Verlobung: Eine Entgegnung auf Friedberg: Verlobung und Trauung*. Weimar: Böhlau, 1876.
- Steinhausen, Georg, ed. *Deutsche Privatbriefe des Mittelalters*. Vol 1., *Fürsten und Magnaten, Edle und Ritter*. Berlin: Heyfelder, 1899.
- Stone, Lawrence. *Road to Divorce: England 1530–1987*. New York: Oxford University Press, 1992.
- Szabó, András Péter. “Menyegzőtől menyegzőig: Gondolatok a házasságkötési szokásrend magyarországi fejlődéséről” [Reflections on the Development of Traditional Marriage Ritual in Hungary]. *Századok* 144 (2010): 1027–83.
- Szenci Molnár, Albert. *Dictionarium Latinoungaricum*. Nürnberg: Elias Hutter, 1604.
- Szily, Kálmán, ed. “Farkas Pál és Farkas Ádám följegyzései 1638-tól 1694-ig” [The Notes of Pál Farkas and Ádám Farkas from 1638 to 1694]. *Történelmi Tár* (1884): 86–101.
- Tárány Szűcs, Ernő. *Magyar jogi népszokások* [Practices of Hungarian Folk Law]. Budapest: Gondolat, 1981.
- Weichhart, Gabriella. *Keresztelő, házasság és temetés Magyarországon 1600–1630* [Baptism, Marriage and Funeral in Hungary 1600–1630]. Budapest: Stephaneum, 1911.
- Wettlaufer, Jörg. “Beilager und Bettleute im Ostseeraum (13–19. Jahrhundert): Eine vergleichende Studie zum Wandel von Recht und Brauchtum der Eheschließung.” In *Tisch und Bett: Die Hochzeit im Ostseeraum seit dem 13. Jahrhundert*, edited by Thomas Riis, 81–128. Frankfurt am Main: Peter Lang, 1998.
- Witte, John, Jr. *Law and Protestantism: The Legal Teachings of the Lutheran Reformation*. Cambridge: Cambridge University Press, 2004.
- Zoványi, Jenő, ed. “Miskolci Csulyak István zempléni református esperes (1629–1645) egyházlátogatási jegyzőkönyvei” [The Canonical Visitations Registers of the Calvinist Dean of Zemplén County, István Miskolci Csulyak (1629–1645)]. *Történelmi Tár* (1906): 48–102, 266–313, 368–407.

Translated by Matthew Caples